

APPROVED: Meeting No. 38-93

ATTEST:

*Paula S. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 35-93

October 11, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 11, 1993, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. For the 32nd year in a row, the City was holding its Antique and Classic Car Show which is part of Rockville Day on October 16th, at 10:00 a.m. There will be a concert band at 12:30; the car show competition begins at 1:30 and the Mayor and Council will present awards at 2:45.

2. The City has been an active participant in the planning for national unfunded mandates day along with the Maryland Municipal League and National League of Cities. The City of Rockville has been a strong participant in the effort and the Mayor and Council will issue a proclamation at the October 25th General Session.

3. For clarification, Mr. Romer noted that Consent Agenda Item 7A was a proposed award of a bid to three potential bus suppliers; he said that staff would make a selection based on competitive quotes and assign actual contracts to one of the three suppliers during the year for senior and teen bus trips.

4. The reconstruction of the downtown revitalization project is scheduled to begin the week of October 25th and the City will see the first visible signs of the beginning of the project. Further details would be available in the next week as permits are applied for.

5. The Courthouse Square Taskforce is moving along on an accelerated schedule; they have met twice and everyone seems enthused by the progress made. Some good ideas have been put out for discussion, and the owner of Rockville Center Inc. has been very responsive to the ideas being brought out by the Taskforce.

6. Mayor Duncan congratulated Mr. Romer on receiving the Rockville Chamber of Commerce's Citizen Of The Year Award.

Re: Presentation of Certificates to the  
Sister City student exchange group  
from Matthias-Claudius School in  
Pinneberg, Germany.

Thirteen students accompanied by their teacher, Frau Gisela Bergner, headmistress of the Matthias-Claudius School in Pinneberg, Germany, arrived in Rockville on October 4th for a three week visit to the United States. The students are being hosted by the families from Wootton and Richard Montgomery High Schools who had visited Pinneberg in August. Tony DeRosa, the foreign language coordinator at Wootton High School coordinated the trip which will include visits

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to Washington, D.C., Annapolis, Harper's Ferry, New York and Philadelphia. Frau Bergner presented the Mayor and Council with a gift from Pinneberg.

Re: Citizens Forum

1. Steve Crome with Law Firm, Gaithersburg, Maryland spoke in support of the storm water management waiver request for Rockville High School.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Shih-Liang Wu and Douglas P. Jones were appointed to serve on the Human Rights Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Robert Turner was appointed as to serve as Chair of the Sign Review Board.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Stan Klein was appointed to serve as Chair of the Traffic and Transportation Committee.

Re: Approval of Minutes

Meeting No. 30-93 (September 13, 1993)

Councilmember Krasnow noted that a correction was needed on page 21 to clarify that the train platform was within the City of Rockville; but was not under the City's jurisdiction.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 30-93 were approved, as amended. Councilmember Robbins abstained.

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Meeting No. 31-93 (September 20, 1993)

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 31-93 were approved.

Meeting No. 32-93 (September 23, 1993)

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 32-93 were approved with Councilmember Robbins abstaining.

Re: Consent Agenda

Councilmember Krasnow requested the removal of Consent Item D. Mayor Duncan requested that Consent Item B be removed. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- (A) Award of RFP #13-94, to Charter Coach Bus Services for senior and teen trips.  
  
Total contract amount shall not exceed \$60,000 annually. Sufficient funding is available in Recreation and Parks accounts.
- (C) Award of Bid #27-94 for the reconstruction of a traffic signal at the intersection of Halpine Road and Congressional Plaza driveways to Hawking Electric Company, College Park, MD, for its low bid of \$23,625.50.

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Under this project, obsolete traffic signal equipment will be replaced, and signal display will be improved. For the first time, the intersection will be provide with pedestrian signals and side-street vehicle detection. A completion date of 3/1/94 has been set.

Re: Item (B) Award of Bid #18-94, to Wells Fargo Alarm Services for security systems at City facilities, for the low bid amount of \$49,215.

Sufficient funds are allocated in the Recreation and Parks CIP budget.

Mayor Duncan noted that he would be abstaining from voting on Item B to avoid any potential conflict since he is employed with the company of AT&T which, although was not listed as a bidder, is a producer of home security and security systems.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, with Mayor Duncan abstaining, the bid was awarded to Wells Fargo Alarm Services to provide for security systems at City facilities.

Re: Introduction of Ordinance to Adopt New Master Plan for Rockville.

The Planning Commission has prepared and approved a new Master Plan to guide Rockville into the next century. The Mayor and council will adopt a new Master Plan for Rockville.

Councilmember Krasnow requested that Item D be removed from the Consent Agenda in order to question how the changes made at the Mayor and Council's worksession would be

incorporated into a final document? City Attorney Glasgow responded that all new changes would be incorporated into a final bound document. Ms. Krasnow noted a petition that was received from the residents of Wall Street, and said she agreed that to take action to specifically name Thomas and Wall streets would be too exact for a master plan; however she wanted to ensure that staff had notified the residents so that they knew the Mayor and Council were aware of their concerns and that they understood that a master plan would not specifically name streets.

Re: Approval of waiver for on-site SWM for 304 Potomac Street, a 0.5 acre parcel in Brewer's Addition in the Watts Branch drainage area, and the acceptance of \$4,000 contribution for the off-site SWM fund.

The runoff from this site is conveyed to Rose Hill Falls SWM Facility #5. Waiver category: I-A-1.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the waiver for on-site SWM for 304 Potomac Street, a 0.5 acre parcel in Brewer's Addition in the Watts Branch drainage area was approved, and the \$4,000 contribution for the off-site SWM fund was accepted.

Mr. Romer noted that at the last General Session, the Mayor and Council commented that for a year, the City had been operating under interim storm water management guidelines. Mr. Romer said that although the guidelines were adequate, they were only interim measures. Staff had distributed to the Mayor and Council, a memo informing the Council that a policy review of the guidelines was underway and the strategy was to deal with a comprehensive review of the entire

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waiver process. Mr. Romer noted that staff designed the review process to rely heavily upon citizen input including that from boards and commissions which have a role in the process. He said the Science, Technology and Environment Commission had indicated enthusiasm for being involved in the process which was to begin this week. Staff was targeting the early part of 1994 to come back to the Mayor and Council with a recommended course of action.

Councilmember Coyle suggested that some definition was needed of how the subcommittee under the Science, Technology and Environment Commission would operate in the review process.

Re: Approval of waiver for on-site SWM for Rockville High School, a 30 acre parcel on Baltimore Road in the Rock Creek drainage area, and the acceptance of \$18,800 contribution for the off-site SWM fund.

The runoff from this site is conveyed to an outfall at Rock Creek. Waiver category: I-A-3,4,5.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the waiver for on-site SWM for Rockville High School was approved and the \$18,800 contribution for the off-site SWM fund was accepted.

Re: Approval of waiver for on-site SWM for the replacement of the Exxon service station at 700 Rockville Pike in the Cabin John Creek drainage area, and the acceptance of \$19,920 contribution for the off-site SWM fund.

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The runoff is being waived to the Mount Vernon SWM facility.  
Waiver category: I-A-4,5,6.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the waiver for on-site SWM for the replacement of the Exxon service station at 700 Rockville Pike in the Cabin John Creek drainage area was approved, and the \$19,920 contribution for the off-site SWM fund was accepted.

Re:

Re: Adoption of Resolution to authorize execution of an annexation agreement for Annexation Petition X-113-92, Mayor and Council of Rockville, Petitioners.

To establish certain terms and conditions regarding property taxes, roadway assessment and future development matters in conjunction with annexation of the Pearson property.

Resolution No. 22-93

Mr. Glasgow explained that the actions before Mayor and Council would authorize two annexation agreements to establish certain terms and conditions regarding property taxes, roadway assessment matters in conjunction with annexation of the Thomas farm and Pearson property. Mr. Glasgow also explained that the R-S zoning was the residential-suburban zone, and he said that this was the most comparable zone to the County's R-200 zoning which was appropriate in order to bring property from the County into the City.

Councilmember Coyle commented that this was a significant annexation for the City and a significant advance for the City to have future control of development.



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Mayor Duncan commented that the City Manager and City Attorney had spent a significant amount of time on this project and he expressed appreciation for their hard work.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the resolution, the full text of which can be found in Resolution Book No. 10, authorizing execution of an annexation agreement for Annexation Petition X-113-93 in conjunction with the annexation of Thomas Farm, was adopted.

Re: Adoption of Resolution to authorize execution of an annexation agreement for Annexation Petition X-113-92, Mayor and Council of Rockville, Petitioners.

To establish certain terms and conditions regarding property taxes, roadway assessment and future development matters in conjunction with annexation of the Pearson property.

Resolution No. 23-93

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the resolution, the full text of which can be found in Resolution Book No. 10, authorizing execution of an annexation agreement for Annexation Petition X-113-93 in conjunction with the Pearson property, was adopted.

Re: Adoption of Resolution to approve Annexation Petition X-113-92, Mayor and Council of Rockville, Petitioners.

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To enlarge the corporate boundaries of the City of Rockville by annexation of approximately 285.5 acres of land located in the northeast quadrant of the intersection of Shady Grove Road and Darnestown Road, including the Thomas farm and Pearson property.

Resolution No. 24-93

Mr. Glasgow explained the amendments made to the resolution after it was introduced. He said that under the provisions of State law, when there was a particular provision in the annexation resolution that changed the property tax standpoint that would ordinarily apply to other properties in the City, it needed to be specifically set forward in the annexation resolution. Mr. Glasgow said the language in Section 2 was the same language set forth in the agreements and reflected that the two properties would be paying the debt service until such time the properties became developed.

Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, the amendments were approved. Upon motion by Councilmember Marrinan, duly seconded and unanimously approved, the resolution was adopted.

Re: Introduction of Ordinance to amend Zoning Map by adding approximately 285.5 acres of land and establishing R-S, Suburban Residential zoning. Annexation Petition X-113-92, Mayor and Council of Rockville, Petitioners.

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This ordinance will establish R-S, Suburban Residential zoning upon annexation of approximately 285.5 acres of land located in the northeast quadrant of the intersection of Shady Grove Road and Darnestown Road, including the Thomas farm and Pearson property.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the Ordinance to amend the Zoning Map by adding approximately 285.5 acres of land and establishing R-S, Suburban Residential zoning was introduced.

Re: Discussion and Instructions to Staff regarding Text Amendment Application T-136-93, Rockville Planning Commission, Applicant.

Amendment to the use permit provisions of the Zoning Ordinance so as to establish a maximum eight year time limit on implementation of any use permit for a development consisting of more than one building.

Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, Staff was instructed to prepare an ordinance approving the text amendment to the use permit provisions of the Zoning Ordinance to establish a maximum eight year time limit on implementation of any use permit for a development consisting of more than one building. The Mayor and Council directed that Staff bring the ordinance back for introduction and adoption on October 25th.

Councilmember Coyle noted a letter received from an attorney with Linowes and Blocker about the retroactivity of the law; Mr Coyle questioned if the ordinance grandfathered current holders of use permits. Community Development Director Neal Herst responded that the ordinance, if adopted, would apply only to future use permits and there would be no retroactivity.

Re: Discussion and Instructions to Staff  
regarding Text Amendment  
Application T-138-93, Rockville  
Planning Commission, Applicant.

Amendment to the Administration  
section of the Zoning Ordinance to  
change the membership of the  
Planning Commission from seven  
to five.

Councilmember Coyle said the issue of reducing the number of Commissioners had been ongoing for over 6 years. He said the concern at the time was the ability of having a quorum for the Planning Commission to meet. Another issue was that the Commission took a long time with cases because of its seven-member size. The current commission felt that a seven-member commission worked well and although the quorum issue was important, the point was made that a seven-member commission allowed the diversity of the City to be fully represented. Mr. Coyle said that at one point he thought moving the composition back to five members would be sufficient; he now felt the Mayor and Council should leave it at seven.

Councilmember Robbins said in all the arguments made, he could not think of any compelling reasons to reduce the size down to five. He said it was important to try to bring diversity to one of the most important citizen bodies the City had. Mr. Robbins noted that he would

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not be present at the October 25th General Session when the matter came back for a vote, and he expressed his opposition to reducing the Planning Commission size to five members.

Councilmember Krasnow commented that originally it had been difficult to get citizens to serve on the 5 year term commission. She said that over the years, the Planning Commission had seen some weighty issues and it was important to get a better diversity that reflected the City's population.

Councilmember Marrinan said when he first heard about the proposal, he was concerned about the 5 year term requirement. He has since had the chance to talk to people who served on the Commission and said he was convinced there were people willing to serve 5 years. Mr. Marrinan also said with the weighty issues, i.e., the development of town center, it would be important to have as much diversity on the Commission as possible.

Upon motion of Councilmember Coyle, duly seconded and passed by a vote of four to one (Mayor Duncan voted Nay), staff was instructed to prepare a Resolution denying Text Amendment Application T-138-93, keeping the size of the Planning Commission at seven members.

Re: Discussion and instructions to staff: authorize the City Manager to execute a refuse disposal contract with Waste Management of Montgomery County in a form acceptable to the City Attorney, and to proceed with securing necessary approvals for a 600 ton per day transfer station located at the City of Rockville Public Works facility.

Mr. Romer commented that there had been a lot of ground covered on the solid waste effort which was overseen and managed by a staff task force and headed by Assistant City Manager Rick Kuckkahn. Mr. Romer also mentioned that there had been a lot of attention given to this subject at meetings of the Mayor and Council and at a public hearing. He said the items of question and concerns have been responded to and staff felt that the input had been constructive and was supportive of the original direction by the Mayor and Council to look for another method to dispose of the City's solid waste. Mr. Romer said the specific areas that appeared to be unresolved involved parking, access, and traffic. He also said that staff was seeking to file for use permit approval to go before City's Planning Commission.

Councilmember Krasnow asked whether the City was required to give notice to the County that we were going to stop using their system for disposal. Mr. Glasgow said that staff will look into whether the City was required to notify the County. Mayor Duncan asked that a letter be sent under his signature to County Executive Potter letting him know that this will occur.

Mr. Glasgow added that conversations with the County had been positive; they understood that the plan the City will submit to them complied with health and safety issues and would be for the well being of citizens in Rockville.

Councilmember Krasnow commented that one reason the City looked into alternatives was because of the fees the City would be required to pay to the County and she asked if the County, would still charge the City a systems benefits charge. Mr. Glasgow said he would look into this point. Mayor Duncan noted that it was his understanding that system development charges would not apply to any municipality unless they opted into this.

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Councilmember Coyle noted that on page 17 of the contract, there were requirements for road and other construction improvements and he questioned who would be responsible for such improvements and who was responsible for maintenance. Mr. Kuckkahn responded that these issues would have to be negotiated in the contract with Waste Management.

Mr. Coyle also noted the potential for people bringing hazardous materials to the site and he asked if the City had in place a process or legal basis for assessing fines for this type of problem. Mr. Glasgow said this was being refined and will be addressed in the final contract.

Councilmember Marrinan mentioned that an educational forum recently sponsored by the Science, Technology and Environment Commission had as a topic, of incineration. He said the speaker, who was biased on incineration, mentioned concerns about the use of landfills. Mr. Marrinan asked if it would be appropriate to get some information about these concerns to be raised in a forum. Mayor Duncan suggested that staff could obtain additional information on this issue.

Councilmember Krasnow noted the additional issues raised tonight and she asked that before authorizing staff to execute the contract, the Mayor and Council see the final version of the contract before it was executed.

Councilmember Coyle suggested that the Mayor and Council authorize staff to proceed and he said that if there was any significant change that came out of the issues raised tonight, it could be brought back for Mayor and Council comment.

Mayor Duncan noted that the City would need to look at the fee schedule. He said he agreed on the approval for 600 tons per day, but he said that the daily usage should be limited to 200 tons per day, with approval from the Mayor and Council to exceed beyond that.

Upon motion by Councilmember Coyle, duly seconded and unanimously passed, staff was authorized to proceed with execution of a refuse disposal contract and to proceed with securing approvals for a 600 ton per day transfer station with daily usage limited to 200 tons per day.

Re: FYI/Correspondence

1. Councilmember Robbins commented on the annexation of St. Elizabeth's School and he noted that the school held its first D.A.R.E. graduation last week; he congratulated staff for acting quickly to get the school involved in this program.
2. Councilmember Krasnow said she was pleased that NIH decided to operate its printing plant in the City of Rockville.
3. Councilmember Coyle mentioned that there would be a public hearing on October 25th at 7:00 p.m. at the Glenview Mansion to take comments on the City's police accreditation efforts.
4. Councilmember Coyle referenced a letter St. Elizabeth's School sent to Montgomery County Police Chief Edwards, requesting that the school's crossing guard position be reinstated. Mr. Coyle asked that staff write a response to support the reinstatement of the crossing guard.
5. Councilmember Marrinan referenced a memo from the Board of Supervisors of Elections regarding the City Clerk's recommendations for saving money on the 1993 election. He noted that the three recommendations made would result in a net savings of over \$7,300 to the City and he said he supported the recommendations and commended the Clerk and the Board for their actions.



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6. Mayor Duncan referenced a letter received from Chuck Shorter of Montgomery County regarding a proposal for a child care facility at Shady Grove. He said that the County was looking to Rockville and Gaithersburg to match funds for such a facility. Mayor Duncan noted that the next Mayor and Council could address the issue during the next budget year.

Re: New Business

1. Councilmember Coyle referenced a memo regarding the possibility of the City's holding a joint Martin Luther King, Jr. commemoration program with the County and Gaithersburg. He suggested that the City do the idea on a one year trial basis. Councilmember Krasnow said she agreed that the City should try the joint celebration for one year, and she pointed out that it would be important for the City to have input into the planning process for the joint celebration.

2. Councilmember Coyle expressed concern regarding the impact of HOV lanes on collector-distributor lanes on Route 270. He suggested that the City obtain more information on this issue and look at the matter from a safety standpoint. Mr. Coyle said he was concerned that the collector-distributor lanes would become an extension of the highway.

Re: Next Meeting

The Mayor and Council will meet in public hearing on October 18, 1993 for the following public hearings: T-137-93 (amend definition of shopping center); T-140-93 (deletion of development bonus/amenity provisions); M-60-93 (Continued from 9/20/93--Linthicum request for change in zoning); and M-61-93 (Potomac Capital Investment Corp. request for change in zoning).

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Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:00 p.m., to reconvene again in Public Hearing at 7:30 p.m. on October 18, 1993, or at the call of the Mayor.